IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 424 of 1998

Shri Sunildatt Pandurang Abhangrao .. Petitioner
V/s.
State of Maharashtra and Ors. .. Respondents

Mr. R.K. Mendadkar for the Petitioner
Mr. C.R. Sonawane, AGP. for the Respondent Nos. 1 to 4

CORAM : DR. S. RADHAKRISHNAN &
SMT. V.K. TAHILRAMANI, JJ.
DATED : 23.11.2005.

P.C.:-

1. Heard the learned counsel for the Petitioner and the learned Additional Government Pleader for the Respondents.

2. By this Petition, the Petitioner is basically challenging the order dated 24.11.1997 passed by the Committee for Scrutiny & Verification of Tribe Claims, Pune. The Petitioner claims to be belonging to a scheduled tribe known as "Mahadeo Koli". By the aforesaid order, the said Scrutiny Committee has invalidated the claim of the Petitioner to be belonging to "Mahadeo Koli", which is a scheduled tribe.

3. Pursuant to the interim order passed by this Court on 19.2.1998, the Petitioner appears to have already been selected as a Clerk under the reserved category and is working in the office of the Collector, Solapur.

4. Shri Mendadkar, the learned counsel appearing on

behalf of the Petitioner strongly contended that the

said Scrutiny Committee has totally ignored the two important documents produced before the Committee, namely the Primary School Leaving Certificate of one Subhashchandra Ganesh Abhangrao and High School Leaving Certificate of Shamrao Ganpat Abhangrao, who are both uncles of the Petitioner. The main contention of the Petitioner is that both these Certificates, which were produced before the Committee, were prior to 1950 and due weightage ought to have been given, especially in view of the fact that the Petitioner's own aunt Anandibai as well as another uncle Anil, their caste has already been recorded as "Mahadeo Koli".

5. In view of the aforesaid facts and circumstances, in the larger interests of justice, only on this limited ground that the two certificates filed before the Caste Scrutiny Committee, which were pre-1950 documents, the Committee ought to have considered the same in depth and given it's finding with regard to the same. Under these circumstances, we quash and set aside the impugned order dated 24.11.1997 and we remand back the matter to the Committee for Scrutiny & Verification of Tribe Claims, Pune, to give a personal hearing to the Petitioner and decide the caste scrutiny claim afresh.

6. Shri Mendadkar, the learned counsel for the Petitioner states that the Petitioner will appear

before the said Committee for Scrutiny & Verification of Tribe Claims, Pune on 12th December, 2005 @ 11.00 am. to enable the Committee to fix the schedule of hearing. The Committee shall expeditiously dispose of the said claim, preferably within a period of six months from 12th December, 2005. It is made clear that the appointment made pursuant to the interim order passed by this Court shall be subject to the result of the said Committee's fresh decision and the decision of the Committee will not be given effect for a period of two weeks thereafter, if the said decision were to be adverse to the Petitioner.

7. Rule is made absolute accordingly with no order as to costs.

(DR. S. RADHAKRISHNAN, J.)

(SMT. V.K. TAHILRAMANI, J.)